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REPORT

ON THE

ADMINISTRATION

OF

CRIMINAL JUSTICE

IN THE

PROVINCE OF BIHAR

DURING THE YEAR

1940.

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1940.

Judicial Staff.—Sessions Judges were employed throughout the year in all the eleven sessions divisions except during the following periods :—

(1) In Saran, Patna, Monghyr, Muzaffarpur, Chota Nagpur and Purnea, for the entire period of the civil court vacation from the 1st of October to the 5th November;

(2) in Gaya and Shahabad from the 1st to the 18th of October; and

(3) in Bhagalpur and Manbhum-Singhbhum from the 19th October to the 5th November.

During the above periods, Sessions or Additional Sessions Judges of other districts were appointed Additional Sessions Judges of these districts to dispose of urgent criminal work.

The six peripatetic Additional District and Sessions Judges were employed during the year as follows :—

one was posted to Bhagalpur throughout the year;

one was posted to Chota Nagpur from the 3rd June to the end of the year;

one was posted to Darbhanga from the beginning of the year to the 18th March, from the 28th March to the 11th September and again from the 20th September to the end of the year;

one was posted to Gaya from the beginning of the year to the 17th July and again from the 25th December to the end of the year;

one was posted to Manbhum-Singhbhum from the beginning of the year to the 4th May;

one was posted to Muzaffarpur from the beginning of the year to the 22nd February and again from the 14th March to the 8th December;

one was posted to Patna from the 10th May to the 8th August, from the 19th August to the 5th November and again from the 16th December to the end of the year. A second Additional District and Sessions Judge was also appointed at Patna from the 24th September to the 30th September; and

one was posted to Saran from the beginning of the year to the 23rd May and from the 6th November to the 23rd December.

The magisterial staff of the province at the close of the year consisted of 285 stipendiary and 105 honorary magistrates. Of the 285 stipendiary magistrates, 166 exercised first class, 97 second class and 22 third class powers.

2. *Offences reported.*—During the year, 113,395 criminal offences were reported, of which 67,347 were offences under the Indian Penal Code and 46,048 under special and local laws, an increase of 3,459, or 5.4 per cent and of 9,374, or 25.6 per cent, respectively, as compared with the figures for 1939. The number of offences reported increased in eleven districts and decreased in five districts. The largest increases were in Manbhum (+3,783 or 36.2 per cent) and Shahabad (+2,600 or 39.5 per cent). The increase in Manbhum was due to an increase in the number of offences both under the Indian Penal Code and under special and local laws. The increase under the former head was most marked in offences under Chapters XVI and XVII of the Penal Code and was due to unsatisfactory agricultural conditions, general depression in the lac and coal markets, and colliery strikes which threw a large number of labourers out of employment. The increase under special and local laws was due to the institution of a larger number of cases under the Indian Railways Act, section 34 of the Police Act, District Board bye-laws, Motor Vehicles Act, Excise Act and Food Adulteration Act. It is stated that the marked increase in cases under the Railways Act was due to the vigilance of the Railway staff while that under section 34 of the Police Act and under the Motor Vehicles Act was due to better police control. It is also stated that the introduction of prohibition in the Dhanbad subdivision is probably another cause of a marked increase in the

number of excise cases. The increase in Shahabad is reported to be due to the institution of a large number of cases under the District Board bye-laws and under the Municipal and Vaccination Acts. The largest decreases were in Patna (—**396** or 4.5 per cent) and Monghyr (—179 or 1.9 per cent). No reason has been ascribed for the decrease in Patna. In Monghyr the decrease is reported to be due to a decrease in offences under the Municipal Act and bye-law cases.

3. *Cases dismissed.*—Complaints were dismissed in 20,250 cases, an increase of 2,848 as compared with 1939. The number of cases declared to be false after trial or enquiry was 1,155 or 108 less than in 1939. These two classes together constituted 18.9 per cent of the total number of cases reported as against 18.6 per cent in 1939.

4. *Cases found to be true.*—Of the total number of cases under enquiry during the year, 83,475 were found to be true and 77,144 were brought to trial, an increase of 10,256 and 8,271, respectively, as compared with the year 1939.

ORIGINAL JURISDICTION.

I.—Magistrates' Courts.

5. *Cases disposed of.*—At the opening of the year, 5,659 cases were pending before magistrates. During the year, 77,155 cases were brought to trial, this number including references under sections 347 and 349 of the Code of Criminal Procedure and also cases committed to the courts of session. 77,025 cases were disposed of, including cases committed to the courts of session, and 5,786 remained pending at the close of the year. The number of cases brought to trial during the year exceeded the number for 1939 by 8,274. There was an increase in eleven districts and a decrease in five. The increase was largest in Manbhum (+3,234). The most conspicuous decrease was in Darbhanga (—680). The number of cases decided during the year was 9,555 in excess of the number for 1939.

Disposals were distributed as follows :—

	Tried regularly.	Tried summarily.
District Magistrates	13	...
Subordinate Stipendiary Magistrates	62,208	1,718
Honorary Magistrates	12,969	...
Benches of Magistrates	117	...
Special Magistrates	...	...

The Additional Deputy Commissioner of Dhanbad tried three cases, and Deputy Magistrates in Ranchi, Palamau, Hazaribagh, Purulia, Singhbhum, Dhanbad and the Santal Parganas tried respectively 58, 39, 40, 30, 60, 12 and 46 cases, in the exercise of special powers under section 30 of the Code of Criminal Procedure.

The total number of cases tried by Magistrates in the exercise of special powers under section 30 of the Criminal Procedure Code was 288 as against 320 in 1939 and 236 in 1938. As remarked in previous years, the use of special powers under section 30 of the Code of Criminal Procedure has appreciably lightened the burden of Sessions Judges employed in partially-excluded areas and has enabled them to devote more time to civil business than would otherwise have been possible.

6. *Results of trials.*—Of the total number of cases shown in the preceding paragraph, 807 were committed or referred to courts of session, while 76,218 were finally disposed of by magistrates. In the latter cases, 146,291 persons were accused as against 130,959 in the previous year; 64,102 or 43.8 per cent were convicted; and 82,189 or 56.2 per cent were acquitted or discharged. The corresponding percentages for 1939 were 41.9 and 58.1 respectively. Out of 82,189 persons acquitted or discharged, the cases of 43,530 were compounded, withdrawn or dismissed for default. In the result, the percentage of convictions in the case of persons actually tried was 62.4 as compared with 60.3 in 1939. The number of persons whose cases were compounded, withdrawn or dismissed for default was largest in Champaran, being 4,822 out of 7,521 persons acquitted or discharged.

Of the persons tried for offences under the Penal Code, 26,787 or 27.9 per cent were convicted, and 69,285 or 72.1 per cent were acquitted or discharged. Excluding the cases of 35,754 persons which were compounded, withdrawn or dismissed for default, the percentage of conviction was 44.4 against 44.6 in the previous year.

The total number of persons awaiting trial before magistrates at the close of 1940 was 17,035 of whom 2,245 were in custody. The corresponding figures for 1939 were 16,680 and 1,811.

The general result of trials before the magistrates of each class was as follows :—

	Acquitted or discharged.	Convicted.	Percentage of convictions.
1	2	3	4
District Magistrates	..	12	100
Subordinate Stipendiary Magistrates	70,317	52,882	42·9
Honorary Magistrates ..	11,761	11,107	48·6
Benches of Magistrates ..	111	101	47·6
Special Magistrates	..	..	..

Of the persons convicted, 1,991 were tried summarily, all by Subordinate Stipendiary Magistrates.

The manner in which convicted persons were tried and the nature of the sentences imposed on them are shown in the table below :—

	Appealable sentences.		Non-appealable sentences.	
	1939	1940	1939	1940
1	2	3	4	5
On regular trial ..	38,053	44,886	14,329	16,417
On summary trial ..	212	535	1,514	1,434

7. *Punishments*.—The sentences passed on persons convicted (excluding 804 persons imprisoned in default of

furnishing security for good behaviour but including youthful offenders sent to a Reformatory School) were as follows :—

Imprisonment ...	Rigorous	15,554
	Simple	691
Fine	... ...	45,365
Whipping	Sole punishment ...	101
	Additional punishment ...	...

Sentences of solitary confinement were passed on three persons during the year. Nineteen youthful offenders were sentenced to detention in the Reformatory School as against fourteen in 1939.

The sentences of imprisonment passed were as follows :—

One thousand five hundred and eighty-five persons were sentenced to terms not exceeding fifteen days; 11,346 to terms not exceeding six months; 3,933 to terms not exceeding two years and 166 to terms exceeding two years. The number of persons sentenced to very short terms of imprisonment increased as compared with the figures for 1938 and 1939.

The fines imposed during the year amounted to Rs. 5,66,378 while the amount realised was Rs. 3,25,689. A total sum of Rs. 46,193 was paid as compensation to complainants. The percentage of fines unrealised is still unduly large.

Security for good behaviour was required from 843 persons of whom 804 were sentenced to terms of imprisonment not exceeding one year on failure to comply with the orders. The number of persons released on probation under section 562 of the Code of Criminal Procedure was 613.

8. *Miscellaneous proceedings under the Code of Criminal Procedure.*—There were 572 proceedings involving 3,607 persons under the provisions of Chapter VIII of the Code of Criminal Procedure, relating to the preservation of the peace, an increase of 100 proceedings and a decrease of 390 persons as compared with the year 1939. Orders to execute bonds were made in respect of 1,022 persons, the largest numbers

being in Gaya (241) and Patna (188). One hundred and seventy-eight persons were bound down under section 106 of the Code.

The number of persons called upon to show cause why they should not give security to be of good behaviour was 1,292 in 721 cases, and the orders were made absolute against 998. Of these 953 failed to give the required security and were imprisoned in default, 149 after reference to courts of session under section 123 of the Code and 804 under orders of magistrates. The number of persons imprisoned in default for terms exceeding one year was 138.

Proceedings for abatement of nuisances under Chapter X of the Code were taken in 1,186 cases. The number of cases arising out of disputes over the possession of land which were decided by magistrates under Chapter XII of the Code was 1,327 as against 1,042 in 1939, and 699 in 1938.

Under section 250 of the Code, 159 complainants were ordered to pay compensation to accused persons as against 142 in the preceding year.

Out of 423 persons against whom proceedings were taken under Chapter XXXVI of the Code maintenance orders were made against 73.

9. *Witnesses*.—The number of witnesses examined in the courts of magistrates was 218,920 as compared with 199,601 in 1939. The number discharged without examination was 48,198 or 18 per cent of the whole number in attendance, against 19.5 per cent in the preceding year. The amount paid to witnesses for expenses rose from Rs. 2,01,543 in 1939 to Rs. 2,07,724 in 1940.

Of the total number in attendance, 152,031 (56.9 per cent) were discharged on the first day; 86,182 (32.3 per cent) on the second day; 24,530 (9.2 per cent) on the third day and 4,375 (1.6 per cent) after the third day. The corresponding percentages in 1939 were 56.4, 32.6, 9.1 and 1.9, respectively.

There was an increase in six districts and a decrease in nine in the number of witnesses detained for more than three days, the largest increase being in Patna (+236). The number was also greatest in Patna (860), the next greatest being in Gaya (688) and Shahabad (516).

In Patna the detention is ascribed to some of the cases being hotly contested and witnesses being subjected to lengthy cross-examination which resulted in the holding over of other witnesses in attendance for the day. General elections in Union Boards in all the subdivisions and census work, and

frequent changes of officers also led to unforeseen adjournments of cases causing more detention of witnesses than would have occurred in normal circumstances. In Gaya the main cause of detention was the deputation of officers for flood relief duty, census work, communal disturbances and tours in connection with the war. In Shahabad the detention was highest in the Buxar subdivision where it is reported to have been due to frequent transfers of magistrates.

The detention of witnesses for more than three days has been engaging the attention of the Court for several years past. The Court realise that in some cases detention is due to unforeseen and unavoidable causes such as have been mentioned in previous years' reports. In a considerable number of cases, however, detention would seem to have been due to the trying magistrates being pre-occupied with other work which made it impossible for them to take up or dispose of certain cases on the dates fixed. A more methodical arrangement of dates, if done by the magistrate himself, would make an appreciable improvement, and the Court have repeatedly impressed on magistrates the necessity of making such arrangement.

II.—Courts of Session.

10. *Commitment and trial.*—The number of cases committed for trial or referred during the year was 807, and the number tried, including the pending cases of the previous year, 698. These figures show an increase of 134 (a very large increase) and 48 respectively, as compared with 1939. There were 333 cases pending at the close of the year.

Of the 698 cases tried, 531 were tried by Sessions Judges and Additional Sessions Judges and 167 by Assistant Sessions Judges. Compared with the previous year, there were increases in the number of cases tried in ten districts, the largest increases being in Darbhanga (41 to 70), Ranchi (17 to 37) and Singhbhum (6 to 22). Sessions Judges and Additional Sessions Judges spent approximately 3,252 days and Assistant Sessions Judges 815 days on criminal work against 3,046 and 863 days, respectively, in the previous year. A District and Sessions Judge worked on the average for 235.3 days during the year out of which he devoted 191.3 days or 81.3 per cent of his time against 77.1 per cent in 1939 to criminal work. The average number of working days of a Subordinate Judge having the powers of an Assistant Sessions Judge was 243.8 days out of which he spent 113.2 days or 46.4 per cent of his time against 50.3 per cent in 1939 on criminal work. The

largest numbers of days spent on criminal work by Sessions Judges and Additional Sessions Judges were in the sessions divisions of Bhagalpur-Santal Parganas (409), Darbhanga (354) and Saran (351) and by Assistant Sessions Judges in Bhagalpur (161), Purnea (156) and Shahabad (153). Assistant Sessions Judges held 23.9 per cent of the sessions trials as compared with 30.2 per cent in 1939. Seven Assistant Sessions Judges were employed throughout the year.

Commitments, including references, increased in eleven districts and decreased in five. The largest decrease was in Champaran (47 to 40) and the largest increases were in Saran (59 to 90) and Patna (57 to 82). No special reason can be given by the Sessions Judge for the small decrease in the district of Champaran. The sharp increase in the number of commitments in Saran is said to have been due to the corresponding increase in the number of chargesheets received from the Police. The Sessions Judge of Saran, however, observes that a more judicious selection of cases to be sent up for sessions trial is called for on the part of the authorities concerned. The increase in the district of Patna is stated to have been chiefly due to land disputes resulting in fights between landlords and tenants over bakasht lands.

There was an increase of 36 cases in the sessions division of Chota Nagpur. Ten of these, according to the Judicial Commissioner, could have been tried by Special Magistrates under section 30 of the Code of Criminal Procedure but for seven of them which came from Simdega no such Magistrate was locally available. For the balance of 26 the only explanation given is a general increase in crime. There was also an increase of 28 cases in Manbhum-Singhbhum. This is said to have been due to a general increase in crimes, particularly in witch-craft cases and cases of domestic quarrel.

11. *Results of trials.*—The number of persons under trial before the courts of session during the year was 4,057, being 298 more than in the year 1939. The cases of 2,638 persons were decided and 1,410 remained under trial at the close of the year. Nine persons died or escaped during the year. Of the persons tried, 1,189 were convicted, 1,390 were acquitted or discharged, while the cases of 59 persons were referred to the High Court under sections 307 and 374 of the Code of Criminal Procedure. The lowest percentage of convictions was in the district of Manbhum (21.3), the next lowest being in Hazaribagh (35.7). The percentage for the province was 45.1 as against 44.4 in the previous year.

12. *Punishments.*—The following sentences were imposed by the courts of session during the year :—

Death	...	37
Transportation	For life	157
	For a term of years	*Nil*
Imprisonment	Rigorous	852
	Simple	5
Fine	...	68
Whipping	...	3

In addition to the above, 149 persons were sentenced to rigorous or simple imprisonment for terms not exceeding three years on failure to furnish security for good behaviour. As in the previous year, no sentence of solitary confinement was passed during the year.

Fifty-three sentences of fine were additional punishments. The sentences of whipping on three persons were also additional punishments. One youthful offender was sentenced to detention in the Reformatory School. The sentences of imprisonment were for the following terms :—

Not exceeding	Fifteen days	3
	Six months	80
	Two years	338
	Seven years	558
Exceeding seven years	...	26

Fines to the amount of Rs. 18,981 were imposed by courts of session, as compared with Rs. 9,141 in the preceding year.

The total amount realised was Rs. 2,594 as compared with Rs. 2,063 in 1939. Nothing was awarded to complainants as compensation out of the fines realized.

13. *Jury trials.*—There was no change in the system of trial by jury which, as before, prevailed in the district of Patna for offences under Chapters VIII, XI, XVI, XVII, XVIII and XX of the Indian Penal Code and in the districts of Bhagalpur, Muzaffarpur, Saran, Darbhanga, Shahabad, Gaya, Manbhum and Monghyr for offences under sections 363—369, 372, 373, 376, 379—382, 392—395, 397—399, 401, 403, 404, 411—414, 426—432, 434—436, 440, 448, 450—462 and 493—498 of the Indian Penal Code, and for abetments of, and attempts to commit, such offences. The number of persons tried by jury during 1940 was 712 and the verdict of the jury

was accepted in respect of 690 persons. In respect of 22 persons references were made to the High Court under section 307 of the Code of Criminal Procedure.

In Patna 49 cases were tried with the aid of jurors. The jurors returned a verdict of ' guilty ' in 26 cases and of ' not guilty ' in 23 cases. In 4 of these cases the presiding Judge considered it necessary to make a reference to the High Court under section 307 of the Code of Criminal Procedure. One reference was pending from the previous year. Five references arising out of sessions trials held at Patna, including the one pending from the previous year, were disposed of by the High Court during the year. Four of these were made by the Sessions Judge and one by the Assistant Sessions Judge. In one case in which there were 19 accused persons, the jurors returned a majority verdict of ' not guilty ' in respect of 12 of them, and of ' guilty ' on minor counts in respect of the rest. The Sessions Judge accepted the verdict of ' not guilty ' in the case of five persons, and made a reference to the High Court in regard to the remaining 14 accused persons. The High Court discharged the reference and directed the acquittal of all the fourteen accused persons. In a second case involving 14 persons the jurors returned a unanimous verdict of ' not guilty ' in respect of all the accused persons. The Sessions Judge accepted the jurors' verdict in the case of five of the accused persons and made a reference to the High Court in regard to nine persons. The High Court discharged the reference and acquitted all the nine persons upon all the charges. In the third case in which the accused person was charged under sections 307 and 309 of the Indian Penal Code, the jurors returned a majority verdict of ' not guilty ' under both the sections. Disagreeing with this verdict, the Sessions Judge made a reference which was accepted by the High Court. The accused was sentenced to one year's rigorous imprisonment under section 307 of the Indian Penal Code, no separate sentence being passed under section 309 of the Code. In the fourth case from the Sessions Judge, the accused person was charged under sections 302 and 328 of the Indian Penal Code. The jury by a unanimous verdict found the accused guilty only under section 326 of the Code. The Sessions Judge considered this verdict perverse and made a reference to the High Court. The High Court while not accepting the verdict of the jury discharged the reference and directed the acquittal of the accused person on all the charges. The fifth reference was

made by the Assistant Sessions Judge. In this case the jur unanimously acquitted all the three accused persons involve in it. The learned Judge accepted their verdict in respect o two of the accused persons, but with regard to the thir accused person he was of opinion that the verdict was un reasonable and perverse and that it was clearly necessary fo the ends of justice to submit the case to the High Court. Th High Court accepted the reference in part. The accused per son was acquitted of the charge under section 366, India Penal Code, but was convicted and sentenced for an offenc under section 363 of the Code. The High Court also foun the accused guilty of an offence under section 457, India Penal Code, but did not consider it necessary to impose an separate sentence.

Opinions on the working of the jury system are, as usual divided. As regards the recommendations made by the Cour in 1938, the Provincial Government have decided that in vie of financial stringency and of dearth of suitable officers th jury lists of the Patna district only should be revised for th present and they have appointed a Deputy Magistrate an Deputy Collector for this special duty.

14. *Trial by assessors.*—The number of persons tried wit the aid of assessors was 1,665. In the cases of 808 persons the Sessions Judge agreed with the opinion of the assessors in the cases of 512 persons he differed from the opinion of on or more but not from the opinion of all, and in the cases o 345 persons he differed from their unanimous opinion. Th corresponding figures for 1939 were 1,739, 864, 595 and 280

15. *Duration of cases.*—The average duration of session trials from the date of commitment to the date of decision wa 117.5 days against 99.3 days in 1939. It was especially grea in the districts of Ranchi (165 days), Hazaribagh (158 days) Patna (157 days) and Purnea (156 days). In Ranchi it ros from 140 to 165 days, in Patna from 119 to 157 days, i Purnea from 89.3 to 156 days and in Palamau from 141 t 149 days, while in Hazaribagh there was a slight decrease i duration, namely, from 163 to 158 days. The long duratio in Ranchi and Hazaribagh was due to the fact that the numbe of sessions cases committed in 1940 was abnormally high a compared with previous years. In Patna the duration wa large owing to the absence of an Assistant Sessions Judge an of an Additional Sessions Judge for some part of the yea

The increase in Purnea was due to the fact that a large number of cases was pending at the close of the previous year. Some of these cases being hotly contested there were protracted trials which led to delay in the disposal of the cases that were subsequently committed. There was an increase in average duration in ten districts and a decrease in six. The most notable decrease was in the districts of Saran (from 144 to 107 days) and Singhbhum (from 178.1 to 151 days).

Notice was, as usual, taken by the High Court of cases of unusual delay in commitment, particularly of cases in which more than two months intervened between apprehension and commitment. There were 328 such cases during the year, the numbers being largest in Saran (56), Bhagalpur (43) and Purnea (34). In twelve cases, of which four came from Patna and three from Manbhum, the explanations submitted by the officers concerned were considered by the High Court to be unsatisfactory.

16. *Witnesses*.—The number of witnesses in attendance before the courts of session was 13,099. Of these, 10,612 were examined and 2,487 were discharged without examination. In 1939 the corresponding figures were 12,900, 10,477 and 2,423. Of the total number in attendance, 8,242 (62.9 per cent) were discharged on the first day, 2,837 (21.7 per cent) on the second day, 1,221 (9.3 per cent) on the third day and 799 (6.1 per cent) after the third day. The percentages for the previous year were 60.5, 22.5, 9 and 8, respectively. The largest numbers of witnesses in attendance over three days were in the districts of Bhagalpur (190), Gaya (133) and Patna (82). These long detentions are, as in the previous year, said to have been due to prolonged trials on account of keen contest.

The amount paid to witnesses on account of expenses incurred in attending sessions trials was Rs. 30,380 as compared with Rs. 32,736 in 1939. The largest increases occurred in the districts of Gaya, Bhagalpur and Ranchi where the amounts rose from Rs. 1,473 to Rs. 2,321, from Rs. 4,137 to Rs. 4,940 and from Rs. 1,035 to Rs. 1,464, respectively. In Gaya the increase is said to be due to an increase in the number of witnesses in attendance and also to a slight increase in the number discharged after the third day. In Bhagalpur the witnesses had to travel long distances in certain cases. No reason has been furnished for the increase in the district of Ranchi, but there was an increase in the number of witnesses

APPELLATE JURISDICTION.

I.—High Court.

17. At the end of 1939, 39 appeals were pending before the High Court from the sentences or orders of criminal courts. During the year, 260 appeals were preferred and 277 appeals were decided: at its close 22 remained pending.

Of the appeals preferred, 227 were against sentences passed by courts of session and 29 were against sentences passed by magistrates acting under section 34 of the Code of Criminal Procedure. Three appeals were filed under section 476-B of the Code of Criminal Procedure and one appeal was filed by Government against orders of acquittal.

18. *Results of appeals.*—The orders of the lower courts were upheld in 197 out of 277 appeals decided, reversed in 36 and modified in 42, and in two cases a new trial was ordered. In no case was the sentence enhanced.

Of the persons concerned, the appeals of 181 were summarily dismissed under section 421 of the Code of Criminal Procedure; in admitted appeals the sentences on 294 appellants were confirmed, on 136 reduced or altered and on 161 annulled. The cases of 21 persons were remanded for new trial and the proceedings against one person were quashed. The percentage of appellants who were entirely unsuccessful was 59.8 as against 66.7 in 1939.

II.—Appellate Courts Subordinate to the High Court.

19. *Sessions Courts.*—There were 420 appeals pending before the courts of session at the beginning of the year and during the year 3,587 appeals were preferred. The number decided during the year was 3,632 and 375 were pending at its close. The number of appeals preferred was 383 more than in 1939. There was an increase in six sessions divisions and a decrease in four, the largest increase being in Darbhanga (+132) and the largest decrease in the sessions division of Manbhum-Singhbhum (—47). The number of appeals preferred in Shahabad was the same as in 1939.

The number of persons concerned in the appeals decided by Sessions Judges during the year was 7,540 of whom 4,464 or 59.2 per cent failed completely. The appeals of 1,841 or 24.4 per cent were summarily dismissed. Of those whose appeals were admitted, 2,623 or 46 per cent were altogether unsuccessful; 1,056 or 18.5 per cent obtained a reduction or

alteration of sentence; 1,917 or 33.6 per cent were acquitted; in the cases of 101 or 1.8 per cent a new trial or further enquiry was ordered; and the cases of two persons were referred to the High Court. Five persons died or escaped during the year.

20. *Magistrates' Courts.*—In the courts of magistrates there were 308 appeals pending at the beginning of the year. During the year 3,270 appeals were preferred. The number decided was 3,218 and 360 remained pending at the close of the year. Appeals preferred numbered 461 more than in 1939.

The number of persons whose appeals were decided by courts of magistrates was 8,172. The appeals of 908 (or 11.1 per cent) were summarily dismissed; and the sentences on 3,276 (or 45.1 per cent) of those whose appeals were admitted, were confirmed. 4,184 appellants or 51.2 per cent were thus wholly unsuccessful. Of the remainder, 1,121 appellants or 15.4 per cent obtained a modification of the sentences passed on them and 2,707 or 37.3 per cent were acquitted. In the cases of 154 appellants or 2.1 per cent, a new trial or further enquiry was ordered and in the case of six persons proceedings were quashed. No case was referred to the High Court.

SUPERINTENDENCE, REFERENCE AND REVISION.

I.—High Court.

21. *Reference under section* 307 *of the Code of Criminal Procedure.*—Two references were pending from the previous year and 9 references involving 22 persons were made to the High Court under section 307 of the Code of Criminal Procedure. Eleven references involving 40 persons were disposed of. Of the persons concerned, 31 were acquitted and 9 were convicted of whom 7 were sentenced to various terms of rigorous imprisonment ranging from ten years downwards. One was sentenced to fine and imprisonment and another to fine only. No reference remained pending at the close of the year.

22. *Reference under section* 374 *of the Code of Criminal Procedure.*—Thirty-three references under section 374 of the Code of Criminal Procedure, for confirmation of the sentence of death, were made to the High Court during the year, and two references involving two persons were pending from the previous year. Thirty-two references in which 36 persons were concerned were disposed of. The sentence of death passed on 12 persons was confirmed. Eighteen persons had

the sentence of death passed on them commuted to transportation for life and four others had the sentence set aside and were acquitted. The conviction of two persons was altered and they were sentenced to rigorous imprisonment for five years downwards. Three references with three persons remained pending at the end of the year.

23. *Reference under section* 341 *of the Code of Criminal Procedure.*—No reference was pending from the previous year. One reference was received and disposed of during the year.

24. *Reference under section* 215 *of the Code of Criminal Procedure.*—No reference under section 215 of the Code of Criminal Procedure was received during the year and none was pending from the previous year.

25. *Revision.*—During the year, 75 cases were reported for the orders of the High Court by Sessions Judges and District Magistrates under section 438 of the Code of Criminal Procedure, an increase of 19 as compared with 1939 and 9 cases were pending at the opening of the year. Of these, 76 were decided during the year and 8 remained pending. In 36 cases the orders sent up for revision were set aside and in 14 a new trial was ordered. Sentences were enhanced in one case and in another case there was reduction or alteration of sentence. The proceedings were quashed in one case while in the remaining 23 cases the High Court declined to interfere.

Orders were passed under section 435 of the Code of Criminal Procedure in 827 cases, an increase of 128 compared with the previous year. All these cases arose out of applications made by private individuals. Four hundred and fifty-two such applications were summarily dismissed and notice was issued in 375 or 45.3 per cent of the entire number. Of these notices, 155 were finally discharged; 114 were made absolute in their entirety; the orders complained of were modified in 84 cases; in 16 cases a new trial or further enquiry was ordered; in one case the sentence was enhanced and in five cases the proceedings were quashed. The following table shows for comparison the figures of the preceding year:—

Applications rejected	383
Applications returned	*Nil*
Notices issued	316
Discharged	135

Made absolute	89
Modified	67
New trial or further enquiry	21
Sentence enhanced	2
Proceedings quashed	2
Withdrawn	10
Pending	48

26. *Applications for transfer.*—Fifty-six applications under section 526 of the Code of Criminal Procedure for the transfer of cases from one court or district to another were made during the year and two were pending at the opening of the year. Of these, 55 applications were disposed of and three remained pending. Twenty-three applications were summarily dismissed, three were allowed summarily and in 21 notice was issued. Ultimately transfers were granted in 14 cases and refused in seven cases. Eight applications were allowed to be withdrawn. In the preceding year there were 47 applications 13 of which were successful and 13 of which were summarily dismissed.

II.—Courts Subordinate to the High Court.

27. *Sessions Courts.*—Six thousand two hundred and seventeen persons were concerned in the applications in revision disposed of by courts of session during the year. This number includes persons who sought to have convictions or other orders made against them set aside and also persons against whom the courts of session were asked to direct further action to be taken. It does not, however, include complainants or other persons aggrieved by the refusal of the lower courts to take action on their petitions. The number was 1,303 more than in 1939. The applications of 2,496 persons were rejected. The orders of the lower courts were confirmed in the case of 2,315 persons and were reversed in the case of 77 persons. In the case of 1,174 persons a new trial or further enquiry was directed, in the case of 2 persons proceedings were quashed and in the case of 153 persons references were made to the High Court.

28. *Magistrates' Courts.*—The cases of 4,125 accused persons who applied for revision, or against whom applications were made by complainants, came before District Magistrates. The number was 636 more than in 1939. The applications of 1,427 persons were rejected. The orders of the

lower courts were confirmed in the case of 2,014 persons, and orders with regard to 313 persons were reversed. Orders against 17 persons were modified, and proceedings against one person were quashed. In the case of 305 persons, a new trial or further enquiry was directed, and in the case of 48 persons references were made to the High Court.

General.

29. *Trial of European British subjects.*—The case of one European British subject was disposed of during the year by magistrates against eleven in the preceding year. The accused person, who was tried under the Indian Penal Code, was acquitted. The case of one European British subject, committed to the Court of Session for an offence under the Indian Penal Code, was transferred to the High Court. The case, after trial in the High Court, was ultimately transferred to the Allahabad High Court.

30. *Panchayat Courts.*—There were 128 *panchayat* courts in the province during the year 94 of which were in the district of Muzaffarpur. The number of cases (1,784) disposed of by the *panchayat* courts in Muzaffarpur was 29 more than in 1939. The District Magistrate again reports that the *panchayat* courts have relieved the regular courts to some extent so far as petty offences are concerned, but their work was not on the whole satisfactory. The other districts in which there were *panchayat* courts were Patna (9), Saran (9), Darbhanga (6), Bhagalpur (5), Gaya (3) and Purnea (2). The establishment of these courts did not appreciably affect the work of the regular courts. The District Magistrate of Patna reports that these courts have to some extent relieved Magistrates of petty criminal cases but not to the extent expected. As in the previous year, the District Magistrate of Gaya reports that two of the three courts in his district did not enjoy the full confidence of the public and did not give much relief to the regular courts though one of them worked fairly well. The third court seems to have worked well. The District Magistrate of Saran says that the *panchayat* courts in his district were of little help to the magistracy though cases were promptly decided by them. The District Magistrate of Darbhanga reports that the work of two of the six courts in his district was unsatisfactory and did not command public confidence but that the other four were doing useful work. The District Magistrate of Purnea again reports that the establishment of these courts has not in any way diminished the work of the

regular courts. The District Magistrate of Bhagalpur has not made any comments on the working of these courts in his district.

31. *Prosecution of cases instituted by or under the orders of a Court.*—During the year 753 cases were instituted on the complaints of courts and 176 were pending at the opening of the year. Four hundred and eighty-five of these cases ended in conviction and 223 in acquittal, 49 cases were withdrawn, four were dismissed, in three the accused persons escaped and 165 cases remained pending at the close of the year. The reports received from the various districts show that the instructions issued by the Court in 1933 are generally followed and that as a rule the prosecution is now satisfactorily conducted. The proportion of acquittals is, however, still large in some of the districts, particularly in Palamau (14 out of 22), Manbhum (20 out of 40) and Singhbhum (4 out of 8). The acquittals in these three districts were mainly due to insufficient and weak evidence on behalf of the prosecution.

32. *Receipts.*—Receipts aggregated Rs. 10,08,298. Of this amount Rs. 3,49,077 were fines, Rs. 1,06,140 process fees, Rs. 1,84,629 copying and comparing fees, Rs. 3,15,982 court-fee stamp receipts other than the above and Rs. 52,470 miscellaneous receipts.

By order of the High Court,

H. WHITTAKER,

Registrar.

IMPERIAL STATEMENTS (CRIMINAL), BIHAR, 1940.

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Table No. I.—Criminal (Government of India Table No. 25).

Number of Judicial Divisions and number of officers exercising appellate or original jurisdiction in the province of Bihar on the 31*st December*, 1940.

Province.	Judges of the Chief Court of Province.	Number of Sessions Divisions.	Number of districts.	Sessions Judges.	Other Judges.	District Magistrates.	Other Magistrates. Stipendiary.	Other Magistrates. Honorary.	Number of Panchayat courts.
1	2	3	4	5	6	7	8	9	10
Bihar.	10	1	Patna ...	2	1	1	19	13	9
		1	Gaya	2	...	1	20	17	9
		1	Shahabad ...	1	1	1	17	10	...
		1	Saran ...	2	...	1	21	13	9
		1	Champaran ...	1	1	1	15	2	...
			Muzaffarpur ...		1	1	18	9	94
		1	Darbhanga ...	2	...	1	24	7	6
		1	Monghyr ...	1	1	1	19	15	...
		1	Bhagalpur ...	2	1	1	21	12	5
			Santal Parganas...		A(3)	...	...	...	...
		1	Purnea	1	1	1	13	2	2
		1	Hazaribagh ...	2	A(3)	1	2(*b*)+12	4	...
			Ranchi ...		A(3)	1	3(*b*)+12	5	...
			Palamau ...		A(2)	1	3(*b*)+11	1	...
		1	Manbhum ...	1	A(4)	1	25	4	...
			Singhbhum ...		A(2)	1	1(*b*)+14	1	...
Total	10	11	16	(*a*)17	(*d*)24	15	9(*b*)+ 261	115(*e*)	128

A.—Magistrates exercising powers under section 30, Criminal Procedure Code.
(*a*) All do both civil and criminal work.
(*b*) 9 ditto ditto ditto.
(*d*) 24 ditto ditto ditto.
(*e*) Includes 10 Benches of Magistrates.

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Table No. II.—Criminal (Government of India Table No. 26).

Number of cases decided in the criminal courts during the year 1940.

Divisions.	Districts.	Number of cases decided. Criminal. Original. Regular.	Miscellaneous.	Appellate. Regular.	Miscellaneous.
1	2	3	4	5	6
Patna.	Patna	7,448	347	719	425
	Gaya	5,034	508	486	310
	Shahabad	6,791	412	606	289
Tirhut.	Saran	6,911	392	406	200
	Champaran	4,485	292	392	133
	Muzaffarpur	5,298	235	761	182
	Darbhanga	5,926	356	625	180
Bhagalpur.	Monghyr	4,792	286	617	268
	Bhagalpur	3,959	569	429	171
	Purnea	3,244	155	370	234
	Santal Parganas	35	4	...	...
Chota Nagpur.	Hazaribagh	4,209	425	277	80
	Ranchi	3,405	252	418	64
	Palamau	1,297	123	103	29
	Manbhum	9,462	179	398	117
	Singhbhum	3,709	136	243	62
	Total	76,005	4,671	6,850	2,804

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Table No. III.—Criminal (Government of India Table No. 33).

General results of trials of criminal cases.

Class of Tribunals.	Number of offences reported.	Number of persons under trial.	Persons whose cases were disposed of— Discharged or acquitted.	Convicted.	Committed or referred.	Died, escaped or transferred to another province.	Persons remaining under trial at the end of the year.
1	2	3	4	5	6	7	8
I.—MAGISTRATES.							
Subordinate Magistrates. — Special Magistrates under section 14 ...	...	...	...	...	...	...	...
Subordinate Magistrates. — Honorary Magistrates sitting singly. — 2nd and 3rd class ...	...	24,000	11,065	10,315	...	23	2,597
Subordinate Magistrates. — Honorary Magistrates sitting singly. — 1st class ...	...	1,777	696	792	16	1	272
Subordinate Magistrates. — Stipendiary Magistrates sitting singly. — 2nd and 3rd class ...	...	51,760	23,389	22,323	15	37	5,996
Subordinate Magistrates. — Stipendiary Magistrates sitting singly. — 1st class — Under ordinary powers.	...	37,852	46,652	30,296	2,967	69	7,865
Subordinate Magistrates. — Stipendiary Magistrates sitting singly. — 1st class — Under special powers under section 34.	...	840	276	263	3	3	295
Subordinate Magistrates. — Benches of Magistrates	...	219	111	101	...	...	7
District and Divisional Magistrates—Cases referred under sections 347 and 349.	...	11	...	11	...	...	...
Chief Magistrates of districts. — Under ordinary powers ...	...	2	...	1	1	...	...
Chief Magistrates of districts. — Under special powers under section 34.	...	...	...	...	...	...	...
Total ...	...	166,461	82,189	64,102	3,002	133	17,035
II.—COURTS OF SESSION.							
Assistant Judges	...	816	324	272	1	1	218
Judges and Additional Judges	...	3,241	1,066	917	58	8	1,192
Total ...	...	4,057	1,390	1,189	59	9	1,410
III.—SUPERIOR COURTS OF GENERAL JURISDICTION.							
High Court. — Cases under section 526, Cr. P. C. ...	...	1	...	...	...	1	...
High Court. — Cases committed by the Presidency Magistrates.	...	...	...	...	...	...	...
High Court. — Cases committed under section 447, sub-section 2, Cr. P. C.	...	...	...	...	...	...	...
High Court. — Cases referred by Sessions Judges under section 307, Cr. P. C.	...	40	31	9	...	...	...
High Court. — Cases referred by Sessions Judges under section 374, Cr. P. C.	...	39	4	32	...	...	1
Total ...	...	80	35	41	...	1	1
Grand Total ...	(a)113,395	170,598	83,614	65,332	3,061	143	18,443

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Table No. IV.—Criminal (Government of India Table No. 34).

General results of appeals and revisions in criminal cases.

Class of Tribunals.			Number of persons.							
			Number of appellants and applicants for revision before the courts.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence altered.	Sentence reversed.	Otherwise disposed of.	Died, escaped or transferred to another province.	Pending trial.
1			2	3	4	5	6	7	8	9
APPEALS.										
To		From								
District Magistrates ...		Subordinate Magistrates.	9,592	908	3,276	1,121	2,707	160	148	1,272
Courts of Session ..		Magistrates	8,439	1,826	2,557	1,034	1,873	103	5	1,041
Courts of Session ..		Assistant Judges	194	15	66	22	44	...	...	47
Superior Courts	By persons convicted.	Section 476, Cr. P. C.	5	1	2	...	...	1	...	1
Superior Courts	By persons convicted.	Magistrates acting under section 34, Cr. P. C.	91	11	30	14	36	...	...	...
Superior Courts	By persons convicted.	Sessions Judges	768	169	262	122	124	21	...	70
Superior Courts	By Government from judgments of acquittal, section 417.	All Courts.	1	...	...	...	1	...	...	...
		Total ...	19,090	2,930	6,193	2,313	4,785	285	153	2,431
REVISION.										
By		Order of								
District Magistrates		Subordinate Magistrates.	3,086	1,427	2,014	17	313	354	...	276
Courts of Session ...		Magistrates ...	2,809	2,496	2,315	..	77	1,329	...	680
High Court (cases referred for orders under sections 432, 438).		Magistrates and Sessions Judges.	155	...	31	3	78	22	...	21
High Court (cases dealt with under section 435).		Magistrates ...	1,230	718	193	90	143	27	...	59
High Court (cases dealt with under section 435).		Courts of Session.	2,024	975	443	296	186	35	...	89
		Total ...	(a)9,304	5,616	4,996	406	797	1,767	...	1,125
GRAND TOTAL ...			28,394	8,546	11,189	2,719	5,582	2,052	153	3,556

(a) Against 5,403 persons applications were made by complainants.

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Table No. V.—Criminal (Government of India Table No. 35).

Nature of offences reported and number of persons tried, convicted and acquitted.

Description of offences.	Number of cases. Offences reported.	Returned as true.	Brought to trial.	Number of persons. Under trial including pending from previous years.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Against the State	3	3	2	2	...	2	...	...	
Relating to the Army and Navy ...	...	...	...	...	...	...	...	...	
Against the public tranquillity ...	2,637	1,925	1,854	13,635	4,951	5,772	20	2,892	
By or relating to public servants ...	24	23	21	33	6	21	...	6	
Contempts of the lawful authority of public servants.	1,397	1,261	1,203	2,678	998	1,339	3	338	
False evidence and offences against public justice.	711	613	579	949	376	387	3	183	
Relating to coins	34	28	28	113	24	25	2	62	
Relating to Government stamps ...	5	6	5	18	10	8	...	...	
Relating to weights and measures	52	51	47	68	10	49	...	9	
Affecting the public health, safety, convenience, decency and morals.	379	300	259	406	102	251	...	53	
Relating to religion	23	17	16	79	55	14	...	10	
Affecting the human body.									
Affecting life	849	678	639	2,647	1,0[illegible]5	608	17	1,017	
Causing miscarriage, injuries to unborn children, exposure of infants and concealment of birth.	47	44	33	44	18	23	...	3	
Hurt	17,753	10,502	10,392	32,697	24,560	4,354	24	3,759	
Wrongful restraint and wrongful confinement.	551	286	287	1,079	760	159	1	159	
Criminal force and assault ...	4,235	1,664	1,695	4,692	3,[illegible]78	546	...	368	
Kidnapping, forcible abduction, slavery and forced labour.	299	149	162	450	250	92	...	108	
Rape	80	55	56	92	36	29	...	27	
Unnatural offence	18	16	16	21	7	12	...	3	
Against property.									
Theft	12,579	8,665	6,593	19,662	10,434	6,363	23	2,843	
Extortion	213	74	73	232	169	23	...	40	
Robbery and dacoity	531	427	300	1,606	659	355	...	593	
Carried over ...	42,420	26,787	24,260	81,203	48,208	20,432	93	13,470	

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Table No. V.—Criminal (Government of India Table No. 35)—*concld.*

Nature of offences reported and number of persons tried, convicted and acquitted—concld.

Description of offences.	Number of cases.			Number of persons.					Remarks.
	Offences reported.	Returned as true.	Brought to trial.	Under trial including pending from previous years.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Brought forward ...	42,420	26,787	24,260	81,203	48,208	20,432	93	12,470	
AGAINST PROPERTY—*concld.*									
Criminal misappropriation ...	416	290	271	465	382	35	...	48	
Criminal breach of trust ...	741	475	457	687	388	193	...	106	
Receiving stolen property ...	1,335	1,176	1,188	2,285	638	1,403	3	241	
Cheating	1,706	887	918	1,905	1,332	301	2	270	
Fraudulent deeds and disposition of property.	529	335	324	998	790	161	...	47	
Mischief	5,369	3,151	3,041	9,740	7,918	972	11	839	
Criminal trespass	11,897	9,108	4,035	11,067	6,554	2,970	5	1,538	
Relating to documents and trade or property marks.	115	86	90	213	109	28	...	76	
Criminal breach of contracts of service.	3	...	...	...	...	...	...	...	
Relating to marriage	1,854	916	914	2,617	2,244	172	2	199	
Defamation	248	83	122	279	214	23	1	41	
Criminal intimidation, insult and annoyance.	714	303	280	659	508	97	1	53	
Total of offences under the Penal Code.	67,347	43,597	35,900	1,12,118	69,285	26,787	118	15,928	
Total of offences under Local and Special Laws.	46,048	39,878	41,244	55,419	14,329	38,545	25	2,520	
Grand Total ...	1,13,395	83,475	77,144	1,67,537	83,614	65,332	143	18,448	

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Table No. VI.—Criminal (Govern

Punishments inflicted

Class of Tribunals.	Number of persons executed.	NUMBER OF PERSONS Death.	Transportation or penal servitude.	Imprisonment.	Fine or forfeiture.
1	2	3	4	5	6
I.—MAGISTRATES.					
Subordinate Magistrates. Special Magistrates under section 14	...	..	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly. 2nd and 3rd class	...	...	...	579	9,869
Subordinate Magistrates. Honorary Magistrates sitting singly. 1st class	...	...	...	210	563
Subordinate Magistrates. Stipendiary Magistrates sitting singly. 2nd and 3rd class	...	...	...	5,394	17,063
Subordinate Magistrates. Stipendiary Magistrates sitting singly. 1st class. Under ordinary powers	...	...	...	10,602	17,775
Subordinate Magistrates. Stipendiary Magistrates sitting singly. 1st class. Under special powers under section 34.	...	...	...	257	34
Subordinate Magistrates. Benches of Magistrates	...	...	...	...	101
District and Divisional Magistrates—Cases referred under sections 347 and 349.	...	—	...	6	...
Chief Magistrates of districts. Under ordinary powers	...	...	...	1	...
Chief Magistrates of districts. Under special powers under section 34	...	...	...	...	...
Total	...	...	...	17,049	45,435
II.—COURTS OF SESSION.					
Assistant Judges	...	...	...	263	34
Judges and Additional Judges	...	...	157	743	34
Total	...	...	157	1,006	68
III.—SUPERIOR COURTS OF GENERAL JURISDICTION.					
High Court. Cases coming before the Court under section 526, Cr. P. C.	...	...	...	...	...
High Court. Cases committed by the Presidency Magistrates ...	...	...	...	...	...
High Court. Cases committed under section 447, sub-section (2), Cr. P. C.	...	...	...	...	...
High Court. Cases referred by Sessions Judges under section 307, Cr. P. C.	...	...	...	8	2
High Court. Cases referred by Sessions Judges under section 374, Cr. P. C.	...	12	18	2	...
Total ...	...	12	18	10	2
GRAND TOTAL ...	14	12	175	18,065	45,495

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ment of India Table No. 36.)
in Criminal Cases.

SENTENCED TO—				TOTAL AMOUNT OF FINES.			Number of persons sentenced to imprisonment of—				
		FINE OF—									
Whipping.	Give security.	Rupees 10 and under.	Over Rs. 10.	Imposed.	Realized.	Paid as compensation.	15 days and under.	Above 15 days to six months.	Above six months to two years.	Above two years.	Remarks.
7	8	9	10	11	12	13	14	15	16	17	18
				Rs.	Rs.	Rs.					
...	...	...	...	...	...	...	...	...	...	...	...
...	...	8,135	1,754	62,256	38,364	3,972	121	458	...	...	...
...	43	402	161	8,819	4,907	608	54	108	48	...	...
...	75	10,988	6,075	2,06,280	1,24,773	16,169	636	4,755	3	...	...
101	1,747	11,679	6,036	2,85,754	1,55,884	25,009	771	5,981	3,829	5	16
...	...	...	34	2,725	1,210	360	3	44	49	161	...
...	...	90	11	544	551	75	...	...	...	...	...
...	...	...	...	...	...	..	...	...	3	...	3
...	...	...	...	...	...	...	...	...	1	...	...
...	...	...	...	...	...	...	...	...	...	...	...
101	1,865	31,294	14,071	5,66,378	3,25,689	46,193	1,585	11,346	3,933	166	19 sent to Reformatory School.
...	11	...	34	2,065	50	...	1	45	71	146	...
3	144	1	33	16,916	2,544	...	2	35	267	438	1
3	155	1	67	18,981	2,594	...	3	80	338	584	1 sent t Reformator Scho o l.
...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	2	300	...	...	...	1	2	5	...
...	...	...	...	...	...	...	...	...	1	1	...
...	...	...	2	300	...	...	...	1	3	6	...
104	2,020	31,295	14,140	5,85,659	3,28,283	46,193	1,588	11,427	4,274	756	20 sent to Refomatory School.

PROVINCIAL STATEMENTS (CRIMINAL), BIHAR, 1940.

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Table A.

Divisions.	Districts.	Offences reported to the Courts.	Cases in which complaints were dismissed under section 203 of the Criminal Procedure Code.	Other cases struck off as false.	Cases accepted as true.	Cases brought to trial.	Persons.	
							Acquitted or discharged.	Convicted.
1	2	3	4	5	6	7	8	9
Patna ...	Patna	8,399	965	11	7,397	7,434	6,482	6,857
	Gaya	6,363	1,395	13	4,965	4,971	5,912	4,476
	Shahabad	9,190	1,850	11	6,759	6,697	6,470	5,421
Tirhut ...	Saran	9,263	1,453	38	7,124	6,818	4,962	6,381
	Champaran	6,997	2,382	29	4,412	4,476	7,521	3,329
	Muzaffarpur	7,165	1,673	4	5,254	5,235	5,546	4,537
	Darbhanga	8,018	1,678	4	5,676	5,884	7,439	5,120
Bhagalpur ...	Monghyr	9,425	1,732	67	6,954	4,741	5,908	4,358
	Bhagalpur	7,393	2,137	38	4,846	4,045	6,782	2,702
	Purnea	7,857	2,020	217	5,054	3,229	6,489	2,076
	Santal Parganas	16	...	...	...	16	34	39
Chota Nagpur	Hazaribagh	6,512	804	311	5,049	4,486	6,711	3,334
	Ranchi	4,371	575	81	3,309	3,402	3,411	2,647
	Palamau	2,682	366	236	1,993	1,414	1,998	1,003
	Manbhum	14,244	842	71	13,331	10,550	5,281	9,665
	Singhbhum	5,500	378	24	1,352	3,746	2,728	3,387
	Total ...	1,13,395	20,250	1,155	83,475	77,144	83,614	65,332
	Total for 1939 ...	1,00,562	17,402	1,263	73,219	68,873	77,511	56,182

TABLE C.

NUMBER OF PERSONS CONCERNED IN CASES DECIDED UNDER THE MISCELLANEOUS PROVISIONS OF THE CRIMINAL PROCEDURE CODE DURING 1940.

Table C.

Number of persons concerned in cases decided under the miscellaneous provisions of the Criminal Procedure Code during 1940.

Divisions.	Districts.	Proceedings against witnesses under Chapter VI-C and section 485.	Proceedings under Chapter VIII to prevent breach of the peace.	Proceedings under Chapter VIII—Security for good behaviour.	Proceedings against local nuisances, Chapter X.	Possession, Chapter XII.	Frivolous or vexatious accusations dealt with under Chapter XX, section 250.	Non-attendance of Jurors and Assessors, Chapter XXIII, section 332.	Maintenance, Chapter XXXVI.	Forfeiture of bail or recognizance under Chapter XLII.	Proceedings under Chapter XLVI, section 563, against convicted offenders released under section 562, Cr. P. C.	Total persons.
		Persons.	Persons.	Persons.	Persons.	Cases.	Persons.	Persons.	Persons.	Persons.	Persons.	
1	2	3	4	5	6	7	8	9	10	11	12	13
PATNA.	Patna	...	378	92	251	108	11	...	37	17	...	786
	Gaya	...	446	70	226	70	14	46	16	45	1	864
	Shahabad ...	...	409	60	538	44	10	...	64	23	...	1,104
TIRHUT.	Saran	...	170	113	230	102	14	21	58	14	...	620
	Champaran ...	...	161	73	127	78	17	...	36	15	...	429
	Muzaffarpur ...	...	245	109	95	66	4	2	6	16	...	477
	Darbhanga ...	...	370	132	120	159	30	...	10	14	4	680

Bhagalpur.	Monghyr ...	1	319	90	209	34	11	4	24	23	...	681
	Bhagalpur ...	...	160	203	130	401	1	3	11	17	...	525
	Purnea ...	...	356	91	44	10	14	...	12	9	1	527
	Santal Parganas ...	...	...	4	...	...	...	3	...	...	...	7
Chota Nagpur.	Hazaribagh ...	1	196	85	280	40	9	1	30	22	2	626
	Ranchi	...	206	56	125	46	8	7	26	24	...	452
	Palamau ...	...	66	4	47	55	6	...	18	6	...	147
	Manbhum ...	...	30	74	11	100	2	3	19	17	...	156
	Singhbhum ...	...	95	36	8	14	8	6	56	13	...	222
	Total ...	2	3,607	1,292	2,441	1,327	159	96	423	275	8	8,303
	Total for 1939 ...	9	3,997	1,034	2,294	1,042	142	95	354	294	9	8,228

Table D.

Cases disposed of in the Superior Local Courts in 1940.

Divisions.	Districts.	Courts of Session.				District Magistrates.		
		Sessions cases.	Average duration of sessions cases in days.	Appeals.	Revisions.	Original cases.	Appeals.	Revisions.
1	2	3	4	5	6	7	8	9
NA ...	Patna	54	157	440	266	...	279	159
	Gaya	55	118·1	210	99	...	276	211
	Shahabad	61	83	258	145	...	348	144
IUT ...	Saran	68	107	245	183	1	161	77
	Champaran	45	84·1	220	31	...	172	102
	Muzaffarpur	58	78·1	389	118	...	372	64
	Darbhanga	70	149	408	114	...	217	6

BHAGALPUR ...	Monghyr	41	64	340	123	4	277	145
	Bhagalpur	86	106	210	97	...	219	74
	Purnea	47	156	184	183	...	186	51
	Santal Parganas	19	125	...	...	...	...	...
CHOTA NAGPUR	Hazaribagh...	12	158	149	13	7	128	67
	Ranchi	37	165	148	36	...	270	28
	Palamau	7	149	47	5	1	56	24
	Manbhum	16	131·3	226	68	...	172	49
	Singhbhum...	22	151	153	39	...	85	23
	Total ...	698	117·5	3,632	1,520	13	3,218	1,284
	Total for 1939 ...	650	99·3	3,051	1,140	22	2,717	1,108

Table E.

Statement showing the particulars of whippings inflicted in 1940 by the Criminal Tribunals in each district in Bihar.

Divisions.	Districts.	Cases in which whipping was inflicted.			
		In lieu of other punishments.	In addition to other punishments.	On juvenile offenders other than those included in columns 3 and 4.	Total.
1	2	3	4	5	6
PATNA ...	Patna	6	...	...	6
	Gaya	8	...	...	8
	Shahabad	5	...	...	5
TIRHUT ...	Saran	1	3	...	4
	Champaran	23	...	...	23
	Muzaffarpur	2	...	...	2
	Darbhanga	...	...	4	4
BHAGALPUR ...	Monghyr	...	...	11	11
	Bhagalpur	2	...	...	2
	Purnea	6	...	...	6
	Santal Parganas	...	...	...	...

CHOTA NAGPUR	Hazaribagh	...	...	...	1	1
	Ranchi	...	13	...	...	13
	Palamau	...	4	...	...	4
	Manbhum	...	...	...	10	10
	Singhbhum	...	5	...	...	5
	Total	...	75	3	26	104
	Total for 1939	...	64	4	8	76

Table

Statement showing the number of witnesses, the time for
paid as expenses of witnesses in the Courts

Divisions.	Districts.	COURTS OF SESSION.						
		NUMBER OF WITNESSES DISCHARGED.				Total in attendance.	Number examined.	Amount paid as expenses.
		On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.			
1	2	3	4	5	6	7	8	9
								Rs.
PATNA.	Patna	627	218	102	82	1,029	917	2,832
	Gaya	557	209	116	133	1,015	845	2,321
	Shahabad	608	130	47	32	817	759	2,155
TIRHUT.	Saran	722	225	74	5	1,026	898	1,366
	Champaran	767	183	20	1	971	594	1,432
	Muzaffarpur	558	262	110	81	1,011	738	2,495
	Darbhanga	745	211	95	63	1,114	943	1,717
BHAGALPUR.	Monghyr	535	270	69	19	893	734	2,546
	Bhagalpur	1,056	435	227	190	1,908	1,437	4,940
	Purnea	662	211	131	53	1,057	748	3,675
	Santal Parganas	265	109	49	18	441	374	1,189
CHOTA NAGPUR.	Hazaribagh	182	68	33	4	287	233	929
	Ranchi	385	165	102	62	714	625	1,404
	Palamau	107	33	8	33	181	160	329
	Manbhum	170	65	32	23	290	268	576
	Singhbhum	296	43	6	...	345	339	414
	Total ...	8,242	2,837	1,221	799	13,099	10,612	30,380
	Total for 1939 ...	7,799	2,905	1,168	1,028	12,900	10,477	32,726

F.

which they attended, the number examined and the amount of Session and Courts of Magistrates in 1940.

COURTS OF MAGISTRATES.

Number of witnesses discharged. On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.	Total in attendance.	Number examined.	Amount paid as expenses.
10	11	12	13	14	15	16
						Rs.
12,037	6,789	2,307	869	21,992	18,681	18,834
8,004	5,477	1,694	688	15,863	13,748	2,282
10,346	7,022	1,699	516	19,483	16,258	9,631
15,137	6,486	1,815	237	23,675	19,235	10,507
11,968	6,292	1,421	93	19,774	15,011	12,363
11,560	6,290	949	223	19,022	15,710	5,824
12,190	6,352	1,172	265	19,979	17,341	12,991
12,722	7,273	2,996	233	23,224	19,946	23,412
11,179	6,531	2,017	181	19,908	17,169	19,621
10,196	5,741	1,427	510	17,874	13,174	25,003
...	...	...	...	...	...	...
7,863	4,136	1,709	170	13,878	10,970	14,948
8,576	5,607	1,002	116	15,301	11,515	6,589
4,029	2,430	527	59	7,045	5,671	8,456
10,713	6,731	2,974	26	20,444	16,211	33,301
5,611	3,026	821	198	9,656	8,280	8,962
1,52,031	86,182	24,530	4,375	2,67,118	2,18,920	2,07,724
1,39,850	80,858	22,655	4,583	2,47,946	1,99,601	2,01,543

Table G.

Criminal Business coming before the High Court in 1940.

Description of cases.		Remaining from 1939.	Filed in 1940.	Disposed of in 1940.	Remaining at the close of 1940.
1		2	3	4	5
ORIGINAL CRIMINAL JURISDICTION. *Sessions cases.*					
Cases under section 526, Criminal Procedure Code.		..	1(*a*)	..	..
Cases committed by the Presidency Magistrates.		..	..	..	..
Cases committed under section 447, sub-section (2), Criminal Procedure Code.		..	..	..	..
Total ..		..	1	..	..
APPEALS.					
By persons convicted.	From the orders of the Presidency Magistrates.	..	..	..	..
	Magistrates acting under section 34, Criminal Procedure Code.	15	29	44	..
	Sessions Judges ..	24	227	230	21
	Under section 476B, Cr. P. C.	..	3	2	1
By the Local Government.	From judgments of acquittal of all Courts.	..	1	1	..
Total ..		39	260	277	22
REFERENCES.					
Cases in which the Sessions Judge dissented from the verdict of a Jury and referred under section 307, Criminal Procedure Code.		2	9	11	..
Cases in which sentence of death passed by the Sessions Judge was referred for confirmation under section 374, Criminal Procedure Code, and section 4 of Act XXII of 1860.		2	33	32	3
Carried over ..		4	42	43	3

(*a*) 1 Session case was transferred to the Allahabad High Court for retrial.

Table G—*concld.*

Criminal Business coming before the High Court in 1940.

Description of cases.	Remaining from 1939.	Filed in 1940.	Disposed of in 1940.	Remaining at the close of 1940.
1	2	3	4	5
Brought forward ..	4	42	43	3
Cases in which proceedings held against persons who cannot understand them are referred for orders under section 341, Criminal Procedure Code.	..	1	1	..
Reference under section 339, Criminal Procedure Code.	..	..	..	..
Reference under section 215, Criminal Procedure Code.	..	..	..	..
References by Presidency Magistrates under section 432, Criminal Procedure Code.	..	..	..	..
Total ..	4	43	44	3
REVISIONS.				
Cases referred for revision by District Magistrates and Sessions Judges under section 438, Criminal Procedure Code.	9	75	76	8
Cases dealt with by the Court under section 435, Criminal Procedure Code, and under section 15 of the Charter Act :—				
(1) Cases decided by Magistrates	20	356	357	19
(2) " " Sessions Judges	28	470	470	28
Cases dealt with under section 526, Criminal Procedure Code.	2	56	55	3
Cases against the order of sanction granted by Civil and Revenue Courts under sections 195—476, Criminal Procedure Code.	..	6	4	2
Total ..	59	963	962	60
Original Miscellaneous	..	2	2	..
Miscellaneous orders in Court ..	8	83	91	..
Total ..	8	85	93	..
Grand Total ..	110	1,352	1,376	85

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